

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 2, 4-18 and 20-23 are pending in this application. Claims 1, 17, and 21 are independent. Claims 1, 4, 17 and 21 are hereby amended. No new matter has been introduced. Support for this amendment can be found throughout the Specification as originally filed

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. CLAIM OBJECTIONS

Claims 1, 2, 4-18 and 20-23 were objected to because of certain informalities.

The claims are amended herein to overcome the objections.

III. CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 2, 4-18 and 20-23 were rejected under 35 U.S.C. §112, second paragraph.

The claims are amended herein to overcome the objections. Note that claim 1 has been amended to recite, “. . . a mode of delivery from a plurality of delivery modes” thereby obviating the rejection of claims 5-13.

Applicants respectfully request withdrawal of the rejection of claims 1, 2, 4-18 and 20-23.

IV. REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 2, 4, 7, 21 and 22 were rejected under 35 U.S.C. §102 as allegedly anticipated by International Publication No. WO 01/22751 (PCT/F100/00808) to Ala-Luukko et al. (hereinafter, merely “Ala-Luukko”).

Applicants respectfully traverse this rejection.

Independent claim 1 recites, *inter alia*:

A method of controlling delivery of text messages to a subscriber...

...
intercepting a routing query from another network made in response to a request from a user associated with said another network by a signal processing means provided in said home network;

...
providing by the signal processing means, in response to the routing query on behalf of an HLR (home location register) of the home network, a modified address which causes the text message from said another network to be directed to said message processing means for implementation of said delivery mode.” (Emphasis added).

As understood by the Applicants, Ala-Luukko discloses, in relevant part, that if the gateway (GW) determines, by checking the associated database (DB), that a subscriber has activated the forwarding service then GW consults the Home Locator Register (HLR) to determine where the message should be sent. The HLR provides the “forward-to” number instead of the roaming number.

There is no disclosure in Ala-Luukko of a signal processing means providing a modified address on behalf of the HLR.” Rather, in Ala-Luukko it is the HLR itself that provides the

actual address, whether this is the “forward-to” number or the roaming number. This is then used, without being modified by the GW, to deliver the message.

In contrast, claim 1 recites, “intercepting a routing query from another network . . . by a signal processing means . . . providing . . . in response to the routing query on behalf of an HLR . . . a modified address which causes the text message from said another network to be directed to said message processing means for implementation of said delivery mode.” That is, in an aspect of the present invention, the signal processing means intercepts a query from another network for routing a text message. In response to the routing query, the signal processor provides a modified address on behalf of the HLR. This is distinguished from Ala-Luukko wherein the HLR provides the “forward-to” number instead of the roaming number.

Claim 1 is patentable over Ala-Luukko because that reference does not disclose each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 17 and 21 are also believed to be patentable.

V. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 17, 18 and 20 were rejected as allegedly obvious over Ala-Luukko;

Claims 5, 8, 9, 11 and 12 were rejected as obvious over Ala-Luukko in view of U.S. Patent No. 6,108,559 to Astrom, et al. (hereinafter, merely “Astrom”);

Claims 6, 9, 12, 13, 16 and 23 were rejected as obvious over Ala-Luukko in view of U.S. Pub. No. 2003/0012348 to Skladman, et al. (hereinafter, merely “Skladman”); and

Claims 10, 14 and 15 were rejected as obvious over Ala-Luukko in view of U.S. Patent No. 6,101,393 to Alperovich et al. (hereinafter, merely "Alperovich").

Alstrom, Skladman and Alperovich do not add the element missing from Ala-Luukko as discussed above. That is, independent claims 17 and 21 claim a signal processing means intercepting a query from another network for routing a text message. In response to the routing query, the signal processor provides a modified address on behalf of the HLR.

Thus, independent claims 17 and 21 are also believed patentable.

VI. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800